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Attorney for C. Barry Zimmerman,
Chapter 7 Trustee

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CLERK OF COURTS
JUDICIAL DISTRICT OF IDAHO
COEUR D'ALENE, IDAHO

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

IN RE:

FRANK L. CHAPIN and
SYDNEY L. GUTIERREZ-CHAPIN,

Debtors.

CASE NO. 02-20218

**OBJECTION TO MOTION FOR
ORDER TO STAY SALE OF
CERTAIN BANKRUPTCY ESTATE
ASSETS**


COMES NOW C. Barry Zimmerman, Trustee, by and through his attorney, H. James Magnuson, and objects to Debtors' Motion for Order to Stay Sale of Certain Bankruptcy Estate Assets. This objection is based on the following grounds:

1. There is no legal authority for relief sought by Debtors.
2. C. Barry Zimmerman, Trustee, denies the allegations set forth in Paragraph 6 under statement "Facts" of said motion. Zimmerman affirmatively states that Debtor, Sydney L. Gutierrez-Chapin, informed the Trustee that certain property of the estate, to wit, 17 Quarter horses and 1 Appaloosa, were subject to an offer to purchase by Floyd McGee of Sandpoint, Idaho, for \$9,000. Based upon that information, the Trustee filed and served a Notice of Sale dated October 16, 2003. At

that time the horses were being held on Chapin land in North Idaho without sufficient feed to continue to care for them. Winter was imminent. When McGee learned the horses were to be sold through a bankruptcy, he informed the seller that he was no longer willing to pay the \$9,000 price. Neither Debtor nor the estate had feed to care for the horses.

The Trustee had Richard Parnell, an experienced auctioneer, appraise the horses and their papers. His assessment was that moving the horses to the public fairgrounds for auction may not generate sales proceeds to cover the expense of moving them. Pursuant to Amendment to Notice of Sale by Trustee dated October 16, 2003, Trustee advertised the horses for sale in The Nickels' Worth and through horse information outlets, and conducted a sale at his office, grossing \$4,075 with no expenses. Six interested potential purchasers attended the sale. The estate was fortunate to sell the horses for \$4,075 under the circumstances.

DATED this 8 day of April, 2004.



H. JAMES MAGNUSON
Attorney for Defendants

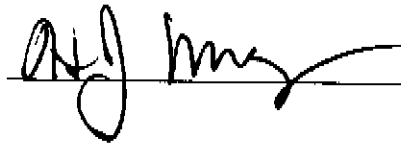
CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing was mailed by first-class prepaid mail on the 2 day of April, 2004.

John R. Rizzardi
Cairncross & Hempelmann, P.S.
524 Second Avenue, Suite 500
Seattle, WA 98104-2323

Frank L. Chapin
Sydney L. Gutierrez-Chapin
319 Church Street
Sandpoint, ID 83864

U. S. Trustee Office
304 N. 8th Street, Room 347
Boise, ID 83702

A handwritten signature in black ink, appearing to read "Sydney L. Gutierrez-Chapin", is written over a horizontal line.